

# Exhibit 4

Colby Beuck

May 14, 2012

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, )  
                    )  
Plaintiff,       )  
                    )  
VS.               )  
                    )  
ERIC H. HOLDER, JR. in his     )  
official capacity as Attorney   )  
General of the United States,   )  
                    )  
Defendant,       )  
                    )  
ERIC KENNIE, et al,        )  
                    )  
Defendant-Intervenors,        )  
                    )  
TEXAS STATE CONFERENCE OF    ) CASE NO. 1:12-CV-00128  
NAACP BRANCHES,                ) (RMC-DST-RLW)  
                    ) Three-Judge Court  
Defendant-Intervenors,        )  
                    )  
TEXAS LEAGUE OF YOUNG VOTERS   )  
EDUCATION FUND, et al,        )  
                    )  
Defendant-Intervenors,        )  
                    )  
TEXAS LEGISLATIVE BALCK        )  
CAUCUS, et al,                )  
                    )  
Defendant-Intervenors,        )  
                    )  
VICTORIA RODRIGUEZ, et al.,    )  
                    )  
Defendant-Intervenors.        )

\*\*\*\*\*

ORAL DEPOSITION OF  
COLBY BEUCK  
MAY 14, 2012

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1 ORAL DEPOSITION OF COLBY BEUCK, produced as a  
2 witness at the instance of the Defendant, was duly  
3 sworn, was taken in the above-styled and numbered cause  
4 on the MAY 14, 2012, from 9:50 a.m. to 6:08 p.m., before  
5 Chris Carpenter, CSR, in and for the State of Texas,  
6 reported by machine shorthand, at the offices of The  
7 United States Attorney, 816 Congress Avenue, Suite 1000,  
8 Austin, Texas 78701, pursuant to the Federal Rules of  
9 Civil Procedure and the provisions stated on the record  
10 or attached hereto.

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1 Harless or you become aware of those concerns from any  
2 other sources communicated to the representative or to  
3 you?

4 MR. SWEETEN: Objection to the question,  
5 it calls for speculation. In addition, I'm going to  
6 instruct you as I previously have: Do not reveal  
7 communications that you have had with Representative  
8 Harless, staff members, state agencies, constituents or  
9 TLC. Let me also tell you that if you've got  
10 information as to that question based upon the public  
11 record, you can go ahead and try to answer her question.

12 THE WITNESS: Okay.

13 MS. WESTFALL: And to be clear,  
14 Mr. Sweeten, I'm asking about communications from  
15 members of the public, groups, interest groups that were  
16 communications to Representative Harless or Mr. Beuck.

17 MR. SWEETEN: Again, as to constituent  
18 communications, we've held that there is a privilege as  
19 to that information, so...

20 THE WITNESS: Okay.

21 MS. WESTFALL: Therefore, you're  
22 instructing him not to answer if he received those  
23 communications; is that correct?

24 MR. SWEETEN: I'm instructing him not to  
25 reveal the substance of the communication that he

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1 received from constituents; that's correct.

2 Q. Have there been elections held since SB 14 was  
3 signed into law in July -- I mean, pardon me -- in May  
4 2011?

5 A. There was a -- yes, a constitutional election  
6 -- a constitutional amendment election in November, and  
7 we're currently having an election right now.

8 Q. To your knowledge, has the Secretary of State  
9 or any County election officials enforced SB 14?

10 A. Not to my knowledge.

11 Q. Are you aware of any in-person voter  
12 impersonation having occurred during these elections?

13 A. Not to my personal knowledge, no.

14 Could I get a drink of water real fast?

15 MS. WESTFALL: Why don't we take a little  
16 break, because I think we'll be concluding and passing  
17 the baton.

18 (Recess 5:05 p.m. to 5:16 p.m.)

19 Q. (By Ms. Westfall) I believe you testified  
20 earlier about provisional ballots in SB 14?

21 A. Yes.

22 Q. Could you describe how provisional ballots work  
23 in the bill?

24 A. Okay. There is a provision in the bill that  
25 allows for a voter to cast a provisional ballot if they

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1 do not have the required photo identification.

2 Q. And could you describe the circumstances under  
3 which a provisional ballot is counted?

4 A. Yes. They must -- they must state that they do  
5 not have any other form of identification that meets the  
6 requirements of Senate Bill 14. Wait. No. Excuse  
7 me. Those are the exceptions.

8 Q. Is it true that a person who casts a  
9 provisional ballot under SB 14 must present one of the  
10 allowable forms of ID in order for it to be counted  
11 except narrow circumstances related to religious  
12 objection or natural disaster?

13 A. They have within six days to return and show  
14 the identification.

15 Q. And if they don't show the identification or  
16 fall into one of these exceptions, the religious  
17 exception or the natural disaster exception, their  
18 provisional ballot will not be counted; is that correct?

19 A. That is my understanding.

20 Q. And I think you testified earlier that there  
21 may have been nonpublic investigations of the impact of  
22 Senate Bill 14; is that correct?

23 MR. SWEETEN: Objection. You're asking  
24 him to reveal information that's protected by the  
25 legislative privilege. He's not going to answer that

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1 question. So I'm going to instruct you not to answer  
2 the question, unless public information reveals the  
3 answer, which I think by its own terms, it could not.

4 Q. (By Ms. Westfall) I believe you testified  
5 earlier that you answered phone calls for Representative  
6 Harless; is that correct?

7 A. Correct.

8 Q. Did you ever receive any phone calls from  
9 anyone from the King Street Patriots regarding voter ID?

10 MR. SWEETEN: Objection, asked and  
11 answered. I'm also going to object, because it  
12 potentially implicates communications from a  
13 constituent. And so with that, I'm going to go ahead  
14 and instruct you not to answer that. It's already been  
15 asked and answered.

16 Q. (By Ms. Westfall) Did you already -- did you  
17 take any phone calls from Paul Bettencourt related to  
18 photo ID on behalf of Representative Harless?

19 MR. SWEETEN: Objection, asked and  
20 answered.

21 MS. WESTFALL: You may answer.

22 MR. SWEETEN: Same instruction.

23 MS. WESTFALL: Are you instructing him not  
24 to answer?

25 MR. SWEETEN: I am. I think you're asking



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1 for constituent communications. I think that's within  
2 the privilege. It's one of the categories that we've  
3 been asserting.

4 MS. WESTFALL: Are you asserting a  
5 privilege over the fact that a communication was made?

6 MR. SWEETEN: First of all, he's already  
7 answered this question. So if you're just asking the  
8 fact, was a communication made, I will let him answer  
9 whether he received those. I think I know the answer,  
10 though, but I'm going to let him answer it again.

11 So you can go ahead and do it, Colby, if  
12 you can.

13 THE WITNESS: Okay.

14 Q. (By Ms. Westfall) Did you receive any phone  
15 call from anyone with the King Street Patriots related  
16 to photo ID that were made in to Representative Harless?

17 A. Yes.

18 MR. SWEETEN: That were made in to?

19 MS. WESTFALL: That were called in to  
20 Representative Harless's office.

21 MR. SWEETEN: Okay. All right. He's --  
22 he can answer as to whether contact was made. He will  
23 not answer the substance.

24 Once again, the prefatory remarks on  
25 your question, you're asking about substance, and I'm

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1 not going to continue to allow you to do that. That is  
2 improper. You're asking about substance of  
3 conversation. So I'll let him talk about contact.  
4 We'll talk about the privilege log like you said, but  
5 I'm not going to let him get into the substance of any  
6 conversations.

7 MS. WESTFALL: I understand that. The  
8 question's not improper. It's relevant. It's within  
9 Rule 26. You're asserting a privilege. You can  
10 instruct your witness not to answer. That's how we've  
11 been operating today.

12 MR. SWEETEN: Okay. He's answered the  
13 question I think you asked. I'm not going to let him  
14 reveal substance of the communication. I've been very  
15 clear about that.

16 MS. WESTFALL: I'm now going to ask my  
17 question to make my record. I understand your position  
18 on privilege.

19 Q. (By Ms. Westfall) What was the nature and the  
20 substance of the communication and phone call from the  
21 King Street Patriots regarding photo ID?

22 MR. SWEETEN: Do not answer the question  
23 proposed. She's asking about substance of  
24 communications. You don't have to do that.

25 Q. (By Ms. Westfall) Did you receive a phone



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1 call --

2 MR. SWEETEN: Let me just say for the  
3 record, it's protected by the legislative privilege. Go  
4 ahead.

5 Q. (By Ms. Westfall) Did you receive a phone call  
6 from Paul Bettencourt regarding photo ID issues in  
7 Representative Harless's office?

8 A. No.

9 Q. Did you receive any phone call from Catherine  
10 Engelbrecht concerning photo ID issues?

11 MR. SWEETEN: Objection, asked and  
12 answered.

13 Q. (By Ms. Westfall) You may answer.

14 A. Yes.

15 Q. What was that call regarding or concerning?

16 MR. SWEETEN: Don't reveal communications  
17 between constituents that contacted your office. It's  
18 covered by the legislative privilege.

19 Q. (By Ms. Westfall) In Texas, are there as many  
20 driver's license offices as polling locations to your  
21 knowledge?

22 MR. SWEETEN: You can answer if you know.

23 A. I don't know the exact numbers of either of  
24 those.

25 Q. (By Ms. Westfall) Have there been any driver



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